



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,521	10/09/2001	Ian Hirschsohn	021202-000200US	7287
20350	7590	01/26/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			TRUONG, CAMQUY	
		ART UNIT	PAPER NUMBER	
			2127	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/974,521	HIRSCHSOHN, IAN	

Examiner	Art Unit	
Camquy Truong	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 October 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-12 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrymand et al (U.S. Patent 5,553,298) in view of Hirabayashi (U.S. Patent 6,549,936)

3. As to claim 1, Merrymand teaches the invention substantially as claimed including: in a multi-processor computing environment (col. 3, line 33) a method by a first processor for allocating resources for use by a second processor (col. 3, line 65-col.4, line 4; col.5, lines 14-21), the method comprising:

Providing an information to the first processor (the primary processor, col. 3, lines 57-59), the information containing information related to the resources required by the second processor (col. 5, lines 2-4; col.7, lines 8-11; col. 9, lines 49-52) and when required (col. 5, lines 4-10; col. 7, lines 12-16 and lines 22-35; col. 11, lines 7-10);

Parsing the information to determine the resources required by the second processor (col. 3, lines 59-61; col. 7, lines 11-13; col. 9, lines 57-60); and

Dynamically allocating the resources at the time needed by the second processor (col. 5, lines 16-21; col. 10, lines 53-56).

4. Merryman does not explicitly teach the information is the script. However, Hirabayashi teaches the information is the script (col.2, lines 38-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Merryman and Hirabayashi because Hirabayashi's information is the script would allow the job executing instruction to be performed simultaneously with the performance of transferring the plurality of scripts.

5. As to claims 7 and 9, they are rejected for the same reason as claim 1. In addition, Merryman teaches one or more tasks (col. 1, lines 41-43); and

The information containing a map of sequences that will occur during execution of the one or more tasks (col. 8, lines 7-33).

6. As to claim 11, it is rejected for the same reason as claims 7 and 9. In addition, Hirabayashi teaches a script engine for running the script file (execution managing unit, Fig. 11; col.11, lines 14-17).

7. As to claims 2 and 10, Merryman teaches the information related to resources required by a third processor (col. 5, lines 2-4; col. 7, lines 8-11; col. 9, lines 49-52); and

Dynamically allocating the resources at the time needed by the third processor (col. 5, lines 16-21; col. 10, lines 53-56).

8. As to claim 3, Merryman teaches the first processor to processing the information (col. 5, lines 14-21; col. 8, lines 7-33).

9. As to claims 4 and 6, Merryman teaches the resources are memory and matrix configuration (col. 1, lines 8-10).

10. As to claims 5 and 7, Merryman teaches the information is the execution sequence of the program (col. 8, lines 31-33).

11. As to claim 8, Hirabayashi teaches the script is an I/O processor script (Fig. 6; col. 8, lines 49-65).

12. As to claim 12, Merryman teaches dynamically allocating the resources at the time needed by the tasks (col. 5, lines 16-21; col. 10, lines 53-56).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

December 23, 2004



MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100